



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1371

Introduced 2/18/2015, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2e-5 new

520 ILCS 5/1.25

520 ILCS 5/2.33

from Ch. 61, par. 1.25

from Ch. 61, par. 2.33

Amends the Wildlife Code. Defines the term, "Drone". Prohibits the use of a manned or unmanned vehicle to take, pursue, or intentionally harass or disturb wild birds or mammals. Makes it unlawful to hunt on property where wildlife were spotted using manned or unmanned aircraft, including drones, unless 24 hours have passed since the aircraft has landed. Provides that the use of a drone as a hunting device constitutes a public nuisance, making the drone subject to confiscation.

LRB099 09100 RJF 29293 b

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Wildlife Code is amended by changing
5 Sections 1.25 and 2.33 and by adding Section 1.2e-5 as follows:

6 (520 ILCS 5/1.2e-5 new)

7 Sec. 1.2e-5. Drone. "Drone" means an unmanned aerial
8 vehicle.

9 (520 ILCS 5/1.25) (from Ch. 61, par. 1.25)

10 Sec. 1.25. Every hunting or trapping device, drone, vehicle
11 or conveyance, when used or operated illegally, or attempted to
12 be used or operated illegally by any person in taking,
13 transporting, holding, or conveying any wild bird or wild
14 mammal, contrary to the provisions of this Act, including
15 administrative rules, is a public nuisance and subject to
16 seizure and confiscation by any authorized employee of the
17 Department; upon the seizure of such item the Department shall
18 take and hold the same until disposed of as hereinafter
19 provided.

20 Upon the seizure of any property as herein provided, the
21 authorized employee of the Department making such seizure shall
22 forthwith cause a complaint to be filed before the Circuit

1 Court and a summons to be issued requiring the person who
2 illegally used or operated or attempted to use or operate such
3 property and the owner and person in possession of such
4 property to appear in court and show cause why the property
5 seized should not be forfeited to the State. Upon the return of
6 the summons duly served or other notice as herein provided, the
7 court shall proceed to determine the question of the illegality
8 of the use of the seized property and upon judgment being
9 entered to the effect that such property was illegally used, an
10 order may be entered providing for the forfeiture of such
11 seized property to the Department and shall thereupon become
12 the property of the Department; but the owner of such property
13 may have a jury determine the illegality of its use, and shall
14 have the right of an appeal, as in other cases. Such
15 confiscation or forfeiture shall not preclude or mitigate
16 against prosecution and assessment of penalties otherwise
17 provided in this Act.

18 Upon seizure of any property under circumstances
19 supporting a reasonable belief that such property was
20 abandoned, lost or stolen or otherwise illegally possessed or
21 used contrary to the provisions of this Act, except property
22 seized during a search or arrest, and ultimately returned,
23 destroyed, or otherwise disposed of pursuant to order of a
24 court in accordance with this Act, the authorized employee of
25 the Department shall make reasonable inquiry and efforts to
26 identify and notify the owner or other person entitled to

1 possession thereof, and shall return the property after such
2 person provides reasonable and satisfactory proof of his
3 ownership or right to possession and reimburses the Department
4 for all reasonable expenses of such custody. If the identity or
5 location of the owner or other person entitled to possession of
6 the property has not been ascertained within 6 months after the
7 Department obtains such possession, the Department shall
8 effectuate the sale of the property for cash to the highest
9 bidder at a public auction. The owner or other person entitled
10 to possession of such property may claim and recover possession
11 of the property at any time before its sale at public auction,
12 upon providing reasonable and satisfactory proof of ownership
13 or right of possession and reimbursing the Department for all
14 reasonable expenses of custody thereof.

15 Any property, including guns, forfeited to the State by
16 court order pursuant to this Section, may be disposed of by
17 public auction, except that any property which is the subject
18 of such a court order shall not be disposed of pending appeal
19 of the order. The proceeds of the sales at auction shall be
20 deposited in the Wildlife and Fish Fund.

21 The Department shall pay all costs of notices required by
22 this Section.

23 (Source: P.A. 85-152.)

24 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

25 Sec. 2.33. Prohibitions.

1 (a) It is unlawful to carry or possess any gun in any State
2 refuge unless otherwise permitted by administrative rule.

3 (b) It is unlawful to use or possess any snare or
4 snare-like device, deadfall, net, or pit trap to take any
5 species, except that snares not powered by springs or other
6 mechanical devices may be used to trap fur-bearing mammals, in
7 water sets only, if at least one-half of the snare noose is
8 located underwater at all times.

9 (c) It is unlawful for any person at any time to take a
10 wild mammal protected by this Act from its den by means of any
11 mechanical device, spade, or digging device or to use smoke or
12 other gases to dislodge or remove such mammal except as
13 provided in Section 2.37.

14 (d) It is unlawful to use a ferret or any other small
15 mammal which is used in the same or similar manner for which
16 ferrets are used for the purpose of frightening or driving any
17 mammals from their dens or hiding places.

18 (e) (Blank).

19 (f) It is unlawful to use spears, gigs, hooks or any like
20 device to take any species protected by this Act.

21 (g) It is unlawful to use poisons, chemicals or explosives
22 for the purpose of taking any species protected by this Act.

23 (h) It is unlawful to hunt adjacent to or near any peat,
24 grass, brush or other inflammable substance when it is burning.

25 (i) It is unlawful to take, pursue or intentionally harass
26 or disturb in any manner any wild birds or mammals by use or

1 aid of any vehicle, manned or unmanned, or conveyance, except
2 as permitted by the Code of Federal Regulations for the taking
3 of waterfowl. It is unlawful to hunt on property where wildlife
4 were spotted using manned or unmanned aircraft, including
5 drones, unless 24 hours have passed since the aircraft has
6 landed. It is also unlawful to use the lights of any vehicle or
7 conveyance or any light from or any light connected to the
8 vehicle or conveyance in any area where wildlife may be found
9 except in accordance with Section 2.37 of this Act; however,
10 nothing in this Section shall prohibit the normal use of
11 headlamps for the purpose of driving upon a roadway. Striped
12 skunk, opossum, red fox, gray fox, raccoon and coyote may be
13 taken during the open season by use of a small light which is
14 worn on the body or hand-held by a person on foot and not in any
15 vehicle.

16 (j) It is unlawful to use any shotgun larger than 10 gauge
17 while taking or attempting to take any of the species protected
18 by this Act.

19 (k) It is unlawful to use or possess in the field any
20 shotgun shell loaded with a shot size larger than lead BB or
21 steel T (.20 diameter) when taking or attempting to take any
22 species of wild game mammals (excluding white-tailed deer),
23 wild game birds, migratory waterfowl or migratory game birds
24 protected by this Act, except white-tailed deer as provided for
25 in Section 2.26 and other species as provided for by subsection
26 (l) or administrative rule.

1 (1) It is unlawful to take any species of wild game, except
2 white-tailed deer and fur-bearing mammals, with a shotgun
3 loaded with slugs unless otherwise provided for by
4 administrative rule.

5 (m) It is unlawful to use any shotgun capable of holding
6 more than 3 shells in the magazine or chamber combined, except
7 on game breeding and hunting preserve areas licensed under
8 Section 3.27 and except as permitted by the Code of Federal
9 Regulations for the taking of waterfowl. If the shotgun is
10 capable of holding more than 3 shells, it shall, while being
11 used on an area other than a game breeding and shooting
12 preserve area licensed pursuant to Section 3.27, be fitted with
13 a one piece plug that is irremovable without dismantling the
14 shotgun or otherwise altered to render it incapable of holding
15 more than 3 shells in the magazine and chamber, combined.

16 (n) It is unlawful for any person, except persons who
17 possess a permit to hunt from a vehicle as provided in this
18 Section and persons otherwise permitted by law, to have or
19 carry any gun in or on any vehicle, conveyance or aircraft,
20 unless such gun is unloaded and enclosed in a case, except that
21 at field trials authorized by Section 2.34 of this Act,
22 unloaded guns or guns loaded with blank cartridges only, may be
23 carried on horseback while not contained in a case, or to have
24 or carry any bow or arrow device in or on any vehicle unless
25 such bow or arrow device is unstrung or enclosed in a case, or
26 otherwise made inoperable.

1 (o) It is unlawful to use any crossbow for the purpose of
2 taking any wild birds or mammals, except as provided for in
3 Section 2.5.

4 (p) It is unlawful to take game birds, migratory game birds
5 or migratory waterfowl with a rifle, pistol, revolver or
6 airgun.

7 (q) It is unlawful to fire a rifle, pistol, revolver or
8 airgun on, over or into any waters of this State, including
9 frozen waters.

10 (r) It is unlawful to discharge any gun or bow and arrow
11 device along, upon, across, or from any public right-of-way or
12 highway in this State.

13 (s) It is unlawful to use a silencer or other device to
14 muffle or mute the sound of the explosion or report resulting
15 from the firing of any gun.

16 (t) It is unlawful for any person to take or attempt to
17 take any species of wildlife or parts thereof, intentionally or
18 wantonly allow a dog to hunt, within or upon the land of
19 another, or upon waters flowing over or standing on the land of
20 another, or to knowingly shoot a gun or bow and arrow device at
21 any wildlife physically on or flying over the property of
22 another without first obtaining permission from the owner or
23 the owner's designee. For the purposes of this Section, the
24 owner's designee means anyone who the owner designates in a
25 written authorization and the authorization must contain (i)
26 the legal or common description of property for such authority

1 is given, (ii) the extent that the owner's designee is
2 authorized to make decisions regarding who is allowed to take
3 or attempt to take any species of wildlife or parts thereof,
4 and (iii) the owner's notarized signature. Before enforcing
5 this Section the law enforcement officer must have received
6 notice from the owner or the owner's designee of a violation of
7 this Section. Statements made to the law enforcement officer
8 regarding this notice shall not be rendered inadmissible by the
9 hearsay rule when offered for the purpose of showing the
10 required notice.

11 (u) It is unlawful for any person to discharge any firearm
12 for the purpose of taking any of the species protected by this
13 Act, or hunt with gun or dog, or intentionally or wantonly
14 allow a dog to hunt, within 300 yards of an inhabited dwelling
15 without first obtaining permission from the owner or tenant,
16 except that while trapping, hunting with bow and arrow, hunting
17 with dog and shotgun using shot shells only, or hunting with
18 shotgun using shot shells only, or providing outfitting
19 services under a waterfowl outfitter permit, or on licensed
20 game breeding and hunting preserve areas, as defined in Section
21 3.27, on federally owned and managed lands and on Department
22 owned, managed, leased, or controlled lands, a 100 yard
23 restriction shall apply.

24 (v) It is unlawful for any person to remove fur-bearing
25 mammals from, or to move or disturb in any manner, the traps
26 owned by another person without written authorization of the

1 owner to do so.

2 (w) It is unlawful for any owner of a dog to knowingly or
3 wantonly allow his or her dog to pursue, harass or kill deer,
4 except that nothing in this Section shall prohibit the tracking
5 of wounded deer with a dog in accordance with the provisions of
6 Section 2.26 of this Code.

7 (x) It is unlawful for any person to wantonly or carelessly
8 injure or destroy, in any manner whatsoever, any real or
9 personal property on the land of another while engaged in
10 hunting or trapping thereon.

11 (y) It is unlawful to hunt wild game protected by this Act
12 between one half hour after sunset and one half hour before
13 sunrise, except that hunting hours between one half hour after
14 sunset and one half hour before sunrise may be established by
15 administrative rule for fur-bearing mammals.

16 (z) It is unlawful to take any game bird (excluding wild
17 turkeys and crippled pheasants not capable of normal flight and
18 otherwise irretrievable) protected by this Act when not flying.
19 Nothing in this Section shall prohibit a person from carrying
20 an uncased, unloaded shotgun in a boat, while in pursuit of a
21 crippled migratory waterfowl that is incapable of normal
22 flight, for the purpose of attempting to reduce the migratory
23 waterfowl to possession, provided that the attempt is made
24 immediately upon downing the migratory waterfowl and is done
25 within 400 yards of the blind from which the migratory
26 waterfowl was downed. This exception shall apply only to

1 migratory game birds that are not capable of normal flight.
2 Migratory waterfowl that are crippled may be taken only with a
3 shotgun as regulated by subsection (j) of this Section using
4 shotgun shells as regulated in subsection (k) of this Section.

5 (aa) It is unlawful to use or possess any device that may
6 be used for tree climbing or cutting, while hunting fur-bearing
7 mammals, excluding coyotes.

8 (bb) It is unlawful for any person, except licensed game
9 breeders, pursuant to Section 2.29 to import, carry into, or
10 possess alive in this State any species of wildlife taken
11 outside of this State, without obtaining permission to do so
12 from the Director.

13 (cc) It is unlawful for any person to have in his or her
14 possession any freshly killed species protected by this Act
15 during the season closed for taking.

16 (dd) It is unlawful to take any species protected by this
17 Act and retain it alive except as provided by administrative
18 rule.

19 (ee) It is unlawful to possess any rifle while in the field
20 during gun deer season except as provided in Section 2.26 and
21 administrative rules.

22 (ff) It is unlawful for any person to take any species
23 protected by this Act, except migratory waterfowl, during the
24 gun deer hunting season in those counties open to gun deer
25 hunting, unless he or she wears, when in the field, a cap and
26 upper outer garment of a solid blaze orange color, with such

1 articles of clothing displaying a minimum of 400 square inches
2 of blaze orange material.

3 (gg) It is unlawful during the upland game season for any
4 person to take upland game with a firearm unless he or she
5 wears, while in the field, a cap of solid blaze orange color.
6 For purposes of this Act, upland game is defined as Bobwhite
7 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
8 Cottontail and Swamp Rabbit.

9 (hh) It shall be unlawful to kill or cripple any species
10 protected by this Act for which there is a bag limit without
11 making a reasonable effort to retrieve such species and include
12 such in the bag limit. It shall be unlawful for any person
13 having control over harvested game mammals, game birds, or
14 migratory game birds for which there is a bag limit to wantonly
15 waste or destroy the usable meat of the game, except this shall
16 not apply to wildlife taken under Sections 2.37 or 3.22 of this
17 Code. For purposes of this subsection, "usable meat" means the
18 breast meat of a game bird or migratory game bird and the hind
19 ham and front shoulders of a game mammal. It shall be unlawful
20 for any person to place, leave, dump, or abandon a wildlife
21 carcass or parts of it along or upon a public right-of-way or
22 highway or on public or private property, including a waterway
23 or stream, without the permission of the owner or tenant. It
24 shall not be unlawful to discard game meat that is determined
25 to be unfit for human consumption.

26 (ii) This Section shall apply only to those species

1 protected by this Act taken within the State. Any species or
2 any parts thereof, legally taken in and transported from other
3 states or countries, may be possessed within the State, except
4 as provided in this Section and Sections 2.35, 2.36 and 3.21.

5 (jj) (Blank).

6 (kk) Nothing contained in this Section shall prohibit the
7 Director from issuing permits to paraplegics or to other
8 disabled persons who meet the requirements set forth in
9 administrative rule to shoot or hunt from a vehicle as provided
10 by that rule, provided that such is otherwise in accord with
11 this Act.

12 (ll) Nothing contained in this Act shall prohibit the
13 taking of aquatic life protected by the Fish and Aquatic Life
14 Code or birds and mammals protected by this Act, except deer
15 and fur-bearing mammals, from a boat not camouflaged or
16 disguised to alter its identity or to further provide a place
17 of concealment and not propelled by sail or mechanical power.
18 However, only shotguns not larger than 10 gauge nor smaller
19 than .410 bore loaded with not more than 3 shells of a shot
20 size no larger than lead BB or steel T (.20 diameter) may be
21 used to take species protected by this Act.

22 (mm) Nothing contained in this Act shall prohibit the use
23 of a shotgun, not larger than 10 gauge nor smaller than a 20
24 gauge, with a rifled barrel.

25 (nn) It shall be unlawful to possess any species of
26 wildlife or wildlife parts taken unlawfully in Illinois, any

1 other state, or any other country, whether or not the wildlife
2 or wildlife parts is indigenous to Illinois. For the purposes
3 of this subsection, the statute of limitations for unlawful
4 possession of wildlife or wildlife parts shall not cease until
5 2 years after the possession has permanently ended.

6 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;
7 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;
8 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914, eff.
9 1-1-15.)